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Date: MARCH 23, 2006

To: EXAMINER GARG, YOGESH C.
U.S. PATENT AND TRADEMARK OFFICE

Fax #: (571) 273-8300

From: FRANK C. NICHOLAS
Phone #: (847) 424-2521

Client/Matter No.: AUS920010193US1 (9000/34)

of Pages: 7
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TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Attorney Docket No AUS920010193US1 (9000/34)

Application Number 09/821,066

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Filing Date MARCH 29, 2001

CENTRAL FAX CENTER

First Named Inventor KEITH K. T HO

MAR 23 2006

Group Art Unit 3825

Examiner GARG, YOGESH C.

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Amendment	<input type="checkbox"/> Assignment Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> After Final	<input type="checkbox"/> Drawing Sheets	<input checked="" type="checkbox"/> Reply Brief
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> After Allowance Communication to Group	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Post Card Receipt
<input type="checkbox"/> One-Month Petition for Extension of Time Request (dup)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Additional Enclosure(s) (please identify below):
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CALCULATION OF FEE

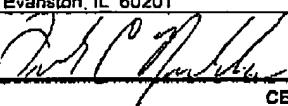
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Total		Minus		0
Indep		Minus		0
First Presentation of Multiple Dep. Claim				

Small Entity

Rate	Add'l Fee	or	Rate	Add'l Fee
x \$26=	0		x \$50=	
x \$100=	0		x \$200=	
+ \$180=	—		+ \$360=	
total add'l fee	\$ 0		total add'l fee	\$ 0

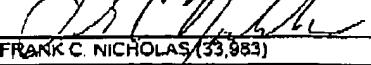
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Omington Avenue, Suite 2000 Evanston, IL 60201
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Attorney Docket No. AUS820010193US1 (9000/34)

Application Number	09/821,066	RECEIVED
Filing Date	MARCH 29, 2001	CENTRAL FAX CENTER
First Named Inventor	KEITH K. T. HO	MAR 23 2006
Group Art Unit	3625	
Examiner	GARG, YOGESH C.	

ENCLOSURES (check all that apply)

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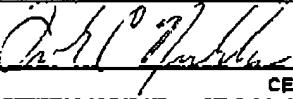
CALCULATION OF FEE

Claims After Amendment		Highest No. Previously Paid For	Present Extra
Total	Minus		0
Indep.	Minus		0
First Presentation of Multiple Dep. Claim			

Small Entity		Large Entity	
Rate	Add'l Fee	Rate	Add'l Fee
x \$25=	0	x \$50=	
x \$100=	0	x \$200=	
+ \$180=	—	+ \$360=	
total add'l fee	\$ 0	total add'l fee	\$ 0

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

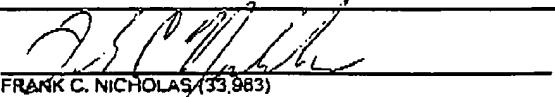
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Name of Appellant, assignee or registered representative


Signature

March 23, 2006
Date of Signature

PATENT
Case No. AUS920010193US1
(9000/34)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
KEITH K.T. HO) Examiner: GARG, YOGESH C.
Serial No.: 09/821,066)
Filed: MARCH 29, 2001) Group Art Unit: 3625
For: METHOD AND SYSTEM FOR) Conf. No.:5343
INVENTORY MANAGEMENT)

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22202-1450

Dear Sir:

Appellants respectfully present their Reply Brief on Appeal as follows:

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Serial No.: 09/821,066
Filed: March 29, 2001
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The Examiner has failed to prove a case of anticipation under §102(e). Despite all the Examiner's allegations, the Examiner's burden to prove anticipation is clear – each and every element of the claim must be disclosed by the reference in as great detail as claimed.

Claim 1 requires defining a database for indicating functional relationships between a plurality of parts; and searching the database to identify one or more groups of functionally interchangeable parts. Each of the Examiner's attempts to show either element fails, as Scheer never discloses any such database, and does not disclose any such detail in as great detail as claimed.

The Examiner cites to paragraphs 147 and 171:

[0147] To further facilitate the intelligent order fulfillment planning procedure, for each line item within an order the agents may determine if the distributor has access to any equivalent products 302. In this regard, an equivalent product can be a product that has the same functions and/or features as a specified product. Preferably, the equivalency of functions and features is determined as a function of product definitions provided by the distributor. It is further desired that, if there are any supplier diversity requirements specified by the customer, these requirements will be taken into account when looking for equivalents.

[0171] If a line item cannot be filled using either the first or second iterations described above, a third iteration of the steps described previously may be employed wherein substitute items are considered 302. When substitute items are selected for consideration, it is preferred that the items identified as being substitutable be within customer specified parameter requirements (e.g., the customer can specify which item attributes can be varied and by how much). If the customer also has supplier diversity requirements, the system can take these into account when identifying suitable substitutes. If the use of substitute items does not produce a viable fulfillment plan, a further iteration of the above described steps may be performed if the customer has indicated a willingness to accept a back order delay for either a line item or for the entire order 306. In accordance with this fourth iteration, the delivery date will be modified as described previously such that the revised delivery time will be set to either the time from the best alternative that exceeds the original delivery time or the time required for a special order from the manufacturer if there exists no sourcing plan alternative using a manufacturer source. It is further noted that item substitution may cause the customer cost threshold to be exceeded. In this case, the customer should be presented with the selected third iteration plan candidate together with the results of the fourth iteration whereby the customer may choose to either pay the higher price for the plan that will meet the delivery requirements or wait for the lower price with a backordered fulfillment plan from iteration four.

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The Examiner has not proven his alleged anticipation. At most, Scheer discloses determining if the distributor has access to any equivalent products (¶147), *but does not say how*. Scheer discloses that a customer can be provided with an option to take a substitute (¶171) but does not disclose how to determine what products are substitutes.

It is quite well settled that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) and The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). See, MPEP §2131. Without disclosing a database for indicating functional relationships between a plurality of parts; and searching the database to identify one or more groups of functionally interchangeable parts, Scheer cannot anticipate these claims.

Withdrawal of the rejections to claims 1-16 is requested.

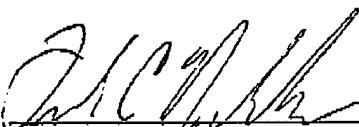
March 23, 2006
Case No.: AUS920010193US1 (9000/34)
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Filed: March 29, 2001
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CONCLUSION

The Appellants respectfully submit that claims 1-16 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

Dated: March 23, 2006

Respectfully submitted,
KEITH K.T. HO



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